

# HOUSE BILL No. 1260

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-13-7.

**Synopsis:** Encoded ammunition. Requires ammunition manufacturers to encode all ammunition: (1) provided for retail sale in Indiana; and (2) used in handguns and assault weapons; by July 1, 2009. Prohibits a person from selling ammunition at retail after June 30, 2009, unless the ammunition has been encoded by a manufacturer. Requires the superintendent of the state police department to establish and maintain an encoded ammunition data base before July 1, 2009. Requires ammunition manufacturers and persons who sell ammunition at retail to provide certain information concerning encoded ammunition sales and persons who purchase encoded ammunition to the superintendent for inclusion in the data base. Imposes a fee of \$0.05 per round on the sale of encoded ammunition that is sold at retail. Requires the fees to be deposited in the encoded ammunition data base fund to operate the data base. Requires a person who owns ammunition for a handgun or assault weapon that is not encoded ammunition to dispose of the ammunition before July 1, 2011. Makes an appropriation.

**Effective:** Upon passage; July 1, 2008.

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**Crawford**

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January 14, 2008, read first time and referred to Committee on Public Policy.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1260

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 10-13-7 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2008]:

4       **Chapter 7. Indiana Encoded Ammunition Data Base**

5       **Sec. 1.** As used in this chapter, "encoded ammunition" means  
6       **ammunition that is encoded by a manufacturer under section 6 of**  
7       **this chapter.**

8       **Sec. 2.** As used in this chapter, "handgun" has the meaning set  
9       **forth in IC 35-47-1-6.**

10       **Sec. 3.** As used in this chapter, "manufacturer" means a person  
11       **who possesses a federal license to engage in the business of**  
12       **manufacturing ammunition for sale or distribution.**

13       **Sec. 4.** As used in this chapter, "regulated firearm" means:

14       (1) a handgun; or

15       (2) any of the following assault weapons or their copies,  
16       regardless of which person produced and manufactured the  
17       assault weapon:

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- 1 (A) American Arms Spectre da Semiautomatic carbine.
- 2 (B) AK-47 in all forms.
- 3 (C) Algimec AGM-1 type semiautomatic.
- 4 (D) AR 100 type semiautomatic.
- 5 (E) AR 180 type semiautomatic.
- 6 (F) Argentine L.S.R. semiautomatic.
- 7 (G) Australian Automatic Arms SAR type semiautomatic.
- 8 (H) Auto-Ordnance Thompson M1 and 1927
- 9 semiautomatics.
- 10 (I) Barrett light .50 caliber semiautomatic.
- 11 (J) Beretta AR70 type semiautomatic.
- 12 (K) Bushmaster semiautomatic rifle.
- 13 (L) Calico models M-100 and M-900.
- 14 (M) CIS SR 88 type semiautomatic.
- 15 (N) Claridge HI TEC C-9 carbines.
- 16 (O) Colt AR-15, CAR-15, and all imitations except Colt
- 17 AR-15 Sporter H-BAR rifle.
- 18 (P) Daewoo MAX 1 and MAX 2, also known as AR 100,
- 19 110C, K-1, and K-2.
- 20 (Q) Dragunov Chinese made semiautomatic.
- 21 (R) Famas semiautomatic (.223 caliber).
- 22 (S) Feather AT-9 semiautomatic.
- 23 (T) FN LAR and FN FAL assault rifle.
- 24 (U) FNC semiautomatic type carbine.
- 25 (V) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun.
- 26 (W) Steyr-AUG-SA semiautomatic.
- 27 (X) Galil models AR and ARM semiautomatic.
- 28 (Y) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2
- 29 and A3.
- 30 (Z) Holmes model 88 shotgun.
- 31 (AA) Avtomat Kalashnikov semiautomatic rifle in any
- 32 format.
- 33 (BB) Manchester Arms "Commando" MK-45, MK-9.
- 34 (CC) Mandell TAC-1 semiautomatic carbine.
- 35 (DD) Mossberg model 500 Bullpup assault shotgun.
- 36 (EE) Sterling Mark 6.
- 37 (FF) P.A.W.S. carbine.
- 38 (GG) Ruger mini-14 folding stock model (.223 caliber).
- 39 (HH) SIG 550/551 assault rifle (.223 caliber).
- 40 (II) SKS with detachable magazine.
- 41 (JJ) AP-74 Commando type semiautomatic.
- 42 (KK) Springfield Armory BM-59, SAR-48, G3, SAR-3,

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1 M-21 sniper rifle, M1A, excluding the M1 Garand.  
 2 (LL) Street sweeper assault type shotgun.  
 3 (MM) Striker 12 assault shotgun in all formats.  
 4 (NN) Unique F11 semiautomatic type.  
 5 (OO) Daewoo USAS 12 semiautomatic shotgun.  
 6 (PP) UZI 9mm carbine or rifle.  
 7 (QQ) Valmet M-76 and M-78 semiautomatic.  
 8 (RR) Weaver Arms "Nighthawk" semiautomatic carbine.  
 9 (SS) Wilkinson Arms 9mm semiautomatic "Terry".

10 Sec. 5. After June 30, 2009, a person may not sell ammunition  
 11 at retail for a regulated firearm unless the ammunition has been  
 12 encoded by a manufacturer as described in section 6 of this  
 13 chapter.

14 Sec. 6. (a) By July 1, 2009, a manufacturer shall encode all  
 15 ammunition for regulated firearms provided for retail sale in  
 16 Indiana:

17 (1) in the manner provided under rules adopted by the  
 18 superintendent; and

19 (2) so that:

20 (A) the base of the bullet and the inside of the cartridge  
 21 casing of each round in a box of ammunition are encoded  
 22 with the same serial number;

23 (B) each serial number is engraved in a manner that is  
 24 highly likely to allow identification after ammunition  
 25 discharge and bullet impact; and

26 (C) the outside of each box of ammunition is labeled with  
 27 the name of the manufacturer and the same serial number  
 28 used on the bases of bullets and cartridge casings  
 29 contained in the box.

30 (b) Ammunition described in subsection (a) that is contained in  
 31 one (1) ammunition box may not be labeled with the same serial  
 32 number as ammunition contained in any other ammunition box  
 33 produced by the same manufacturer.

34 Sec. 7. (a) The superintendent shall:

35 (1) establish an encoded ammunition data base before July 1,  
 36 2009; and

37 (2) maintain the data base after it is established.

38 (b) After June 30, 2009, a manufacturer that does business in  
 39 Indiana shall provide the following information to the  
 40 superintendent for inclusion in the encoded ammunition data base:

41 (1) The manufacturer's name and address.

42 (2) The serial numbers of encoded ammunition offered for

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sale by the manufacturer in Indiana.

(3) Any other information that the superintendent considers necessary.

(c) After June 30, 2009, a person who sells encoded ammunition at retail in Indiana shall provide the following information to the superintendent for inclusion in the encoded ammunition data base:

(1) The date of each encoded ammunition purchase.

(2) The name and date of birth of each person who purchases encoded ammunition.

(3) The driver's license number of each person who purchases encoded ammunition or another identification number issued to the person by the state or federal government.

(4) The serial numbers of all encoded ammunition purchased by each person.

(5) Any other information that the superintendent considers necessary.

(d) A person who sells encoded ammunition at retail in Indiana shall maintain copies of all records submitted to the superintendent under subsection (c) for at least three (3) years after the date of a sale.

Sec. 8. (a) This section does not apply to a sale of encoded ammunition to a federal, state, or local law enforcement agency.

(b) A fee of five cents (\$0.05) per round is imposed on the sale of encoded ammunition that is sold at retail in Indiana.

(c) The person who sells encoded ammunition at retail in Indiana to the ultimate consumer of the encoded ammunition shall collect the fee imposed by this section.

(d) A person who collects a fee under subsection (c):

(1) shall pay the fees:

(A) to the department of state revenue; and

(B) at the same time and in the same manner that the person pays the state gross retail tax collected by the person to the department of state revenue;

(2) shall indicate on the return:

(A) prescribed by the department of state revenue; and

(B) used for the payment of state gross retail taxes;

that the person is also paying fees collected under subsection (c); and

(3) may deduct and retain one percent (1%) of the fees required to be paid to the department of state revenue under this subsection.

(e) The department of state revenue shall deposit fees collected

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under subsection (c) in the encoded ammunition data base fund established by section 9 of this chapter.

Sec. 9. (a) The encoded ammunition data base fund is established to operate the encoded ammunition data base established under section 7 of this chapter. The fund shall be administered by the superintendent.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) All money accruing to the fund is appropriated continuously for the purposes specified in subsection (a).

Sec. 10. Before July 1, 2011, a person who owns ammunition for a regulated firearm that is not encoded ammunition shall dispose of the ammunition.

Sec. 11. (a) A person who knowingly or intentionally violates this chapter commits a Class A misdemeanor.

(b) A person who knowingly or intentionally destroys or otherwise renders unreadable information encoded on encoded ammunition commits a Class A misdemeanor.

Sec. 12. The superintendent shall adopt rules under IC 4-22-2 necessary to implement this chapter.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The superintendent of the state police department shall adopt rules under IC 4-22-2 to implement IC 10-13-7, as added by this act, before January 1, 2009.

(b) This SECTION expires January 2, 2009.

SECTION 3. An emergency is declared for this act.

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